

EIGHTEENTH DAY

(Tuesday, February 9, 1937)

The House met at 10:00 o'clock a. m., pursuant to adjournment, and was called to order by Speaker Calvert.

The roll of the House was called, and the following Members were present:

Mr. Speaker	Huddleston
Adkins	Hull
Alexander	Hyder
Alsup	Jackson
Amos	James
Baker	Johnson of Ellis
Bates	Johnson
Beckworth	of Tarrant
Bell	Jones of Angelina
Blankenship	Jones of Atascosa
Boethel	Jones of Falls
Bond	Jones of Wise
Bradbury	Keefe
Bradford	Keith
Bridgers	Kelt
Burton	Kenyon
Callan	Kern
Carssow	King
Cathey	Knetsch
Celaya	Langdon
Cleveland	Lankford
Colquitt	Lanning
Davis of Jasper	Leath
Davison of Fisher	Leonard
Davissou	Little
of Eastland	London
Dean	Lucas
Deglandon	Mann
Derden	Mauritz
Dickison	Mays
Dollins	McConnell
England	McCracken
Farmer	McDonald
Felty	McFarland
Fielden	McKee
Fox	McKinney
Fuchs	Metcalf
Gibson	Moffett
Graves	Monkhouse
Hamilton	Morris
Hankamer	Morse
Hanna	Newton
Harbin	Nicholson
Hardin	Oliver
Harrell	Palmer
Harris of Archer	Patterson of Mills
Harris of Dallas	Patterson
Harris of Dickens	of Travis
Hartzog	Petsch
Heflin	Pope
Herzik	Powell
Holland	Prescott
Hoskins	Quinn
Howard	Ragsdale

Reader	Smith
Reed of Bowie	of Matagorda
Reed of Dallas	Stevenson
Rhodes	Stinson
Riddle	Stocks
Roark	Talbert
Ross	Tarwater
Russell	Tennant
Rutta	Tennyson
Schuenemann	Thornberry
Settle	Thornton
Sewell	Waggoner
Sharpe	Walker
Shell	Weldon
Simpson	Westbrook
Skaggs	Winfree
Smith of Hopkins	Wood
	Worley

Absent

Brown

Absent—Excused

Boyer	Leyendecker
Broadfoot	Loggins
Cagle	Smith of Tarrant
Davis of Haskell	Vale
Harper	

A quorum was announced present.

Rev. George W. Coltrin, Chaplain, offered prayer.

LEAVES OF ABSENCE GRANTED

The following Members were granted leaves of absence on account of important business:

Mr. Broadfoot for today, on account of important State business, on motion of Mr. Carssow.

Mr. Boyer for today, on account of important State business, on motion of Mr. Harris of Dallas.

Mr. Smith of Tarrant for today, on account of important State business, on motion of Mr. Lucas.

Mr. Loggins for today, on motion of Mr. Bradbury.

Mr. Brown for today, on motion of Mr. Knetsch.

The following Members were granted leaves of absence on account of illness:

Mr. Vale for today, on motion of Mr. Celaya.

Mr. Davis of Haskell for today, on motion of Mr. Stocks.

Mr. Leyendecker for today, on motion of Mr. Holland.

Mr. Harper for today, on motion of Mr. Boethel.

Mr. Cagle for today, on motion of Mr. Derden.

HOUSE BILLS ON FIRST READING

The following House bills, introduced today, were laid before the House, read severally first time, and referred to the appropriate committees, as follows:

By Mr. Thornton:

H. B. No. 473, A bill to be entitled "An Act amending Article 1583 of the Penal Code of Texas, 1925, relating to work and vacation of firemen and policemen in cities of more than twenty-five thousand inhabitants and in cities of more than thirty thousand inhabitants, by adding a new section to be known as Article 1583B, providing for vacations for jailers, jail guards and jail matrons and providing penalties for the violation of the provisions of this Article, and declaring an emergency."

Referred to the Committee on Counties.

By Mr. Hardin:

H. B. No. 474, A bill to be entitled "An Act to amend Article 7150 of the Revised Statutes of Texas, 1925, providing qualifications prerequisite to exemption from taxation for institutions, except those owned by the State of Texas, the function of which is the care of, or ministration to sick or infirm humans, by adding thereto another Section, Number 7a, wherein it is provided that this class of institutions, to claim exemption from taxation, must allow all reputable licensed physicians and/or surgeons the use of its facilities; not refuse any patient because of his choice of any reputable, licensed physician and/or surgeon; post notices of its being a tax free institution and file a sworn statement annually setting out the name and location of the institution, the names of persons operating same and that the institution is maintained as a tax free institution; providing against an invalid part of this Act, invalidating the remainder thereof or any part thereof; repealing all laws in conflict with this Act, and declaring an emergency."

Referred to the Committee on Public Health.

By Mr. Colquitt:

H. B. No. 475, A bill to be entitled "An Act providing for the posting of legal notices at some place within the court house to be designated by the Commissioners Court; and making this Act cumulative of all laws on the sub-

ject of posting of notices wherever such posting is required by law; and providing for the designation of the place or places where such notices shall be posted."

Referred to the Committee on Counties.

By Mr. Celaya:

H. B. No. 476, A bill to be entitled "An Act authorizing the Boards of Trustees of Public Free Schools in this State to employ, Superintendents, Principals and Teachers, prescribing in part their qualifications, and providing that the employment of such Superintendents, Principals and Teachers as authorized under this Act shall in no way affect any present or future classification of any such school or its accreditation by or affiliation with any other School, College, or University in this State supported in whole or in part through taxes levied by the State, and declaring an emergency."

Referred to the Committee on Education.

By Mr. Huddleston:

H. B. No. 477, A bill to be entitled "An Act to make it unlawful to hunt, shoot or kill any deer for a period of three years in Coryell County, Texas; fixing penalty; repealing all laws and parts of laws, and declaring an emergency."

Referred to the Committee on Game and Fisheries.

By Mr. Mann:

H. B. No. 478, A bill to be entitled "An Act to amend Article 827a, Section 5, of the Revised Statutes of Texas, as amended by Acts of the Forty-second Legislature, by making the maximum weight of load of any motor vehicle, commercial motor vehicle, truck-tractor, trailer or semi-trailer, proportionate to and measured solely by the width of tires on such vehicles, and declaring an emergency."

Referred to the Committee on Highways and Motor Traffic.

By Mr. Jones of Wise and Mr. Roark:

H. B. No. 479, A bill to be entitled "An Act appropriating Seven Million Five Hundred Thousand (\$7,500,000.00) Dollars per year, or so much thereof as may be necessary for the next biennium beginning September 1, 1937, and ending August 31, 1939, for the purpose of promoting public

school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State, including sufficient funds to match Federal Funds appropriated for the purpose of conducting Vocational Agriculture, Home Economics, Trades and Industries, General Rehabilitation and rehabilitation for Crippled Children; attaching conditions, regulations and limitations relative thereto; authorizing aid to such schools in accordance with the conditions specified herein; providing for the maintenance for a certain length of term of all schools meeting the requirements of this Act; . . . etc., and declaring an emergency."

Referred to the Committee on Appropriations.

By Mr. Hartzog:

H. B. No. 480, A bill to be entitled "An Act amending Subsection (a) of Section 16 of Article 7076, Title 122 of the Revised Civil Statutes of Texas; providing certain regulations regarding the opening of any safety deposit box belonging to the decedent prior to the delivery of the same to the heirs or, legal representatives, providing a penalty, and declaring an emergency."

Referred to the Committee on Banks and Banking.

By Mr. Cathey:

H. B. No. 481, A bill to be entitled "An Act defining certain words, terms, phrases; imposing a tax on first sale of cigars; providing payment of tax shall be evidenced by stamps purchased from Treasurer and affixed to box or container of cigars; providing for sale of stamps; providing for manufacture and change in design of stamps; authorizing the sale of stamps to permit holders at discount from face value; requiring Treasurer to exchange stamps when design is changed and providing a felony penalty for possession of old stamps after sixty (60) days from date of issue of a new design; prohibiting the cancellation of stamps; requiring distributors, wholesale dealers and retail dealers to file application for and to obtain a permit to handle cigars and setting the permit fees; . . . etc., and declaring an emergency."

Referred to the Committee on Revenue and Taxation.

By Mr. Reed of Bowie, Mr. James and Mr. Pope:

H. B. No. 482, A bill to be entitled "An Act for the purpose of releasing the interest and penalties on all delinquent ad valorem and poll taxes that were delinquent on or before August 1, 1936, due the State, any county, city, school district, road district, levee improvement district, water improvement district and water control and improvement district, irrigation district and other defined subdivisions of the State, provided same are paid before May 15, 1937; provided said taxes are paid on or after May 15, 1937, and before June 1, 1937, with an addition of two per cent (2%) on said taxes; and provided said taxes are paid on or after June 1, 1937, and before July 1, 1937, with an addition of three per cent (3%) on said taxes; . . . etc., and declaring an emergency."

Referred to the Committee on State Affairs.

By Mr. Pope:

H. B. No. 483, A bill to be entitled "An Act to amend Section 7, of Chapter 62, pages 131-133, of the General and Special Laws of the State of Texas passed by the Forty-third Legislature at its Second Called Session, 1934, of the State of Texas; to further define a nuisance and provide for the punishment of certain persons and peace officers and organizations who knowingly permit and accept receipts from any contest enumerated and referred to in said Chapter 62, and declaring an emergency."

Referred to the Committee on Criminal Jurisprudence.

By Mr. Pope:

H. B. No. 484, A bill to be entitled "An Act authorizing private corporations heretofore incorporated for the purpose of operating street or interurban railways, which have abandoned such operations, to amend their charters so as to include as a separate purpose of the corporation the acquiring, owning and operating of motor vehicles and motor busses for transportation of passengers for hire upon the public streets and public ways of cities and towns and upon the public ways of the adjacent unincorporated territory within five miles from the limits of such cities and towns, under such reasonable regulations and requirements as to rates and service and as to franchises or permits as may be

legally imposed from time to time by such cities and towns within the limits thereof and by the Commissioners' Courts of counties as to operations outside of the limits of such cities and towns, and declaring an emergency."

Referred to the Committee on Municipal and Private Corporations.

ADDITIONAL SIGNERS OF BILLS

By unanimous consent of the House, the following Members were authorized to sign bills, as co-authors of same, as follows:

Mr. Kelt, House Bill No. 98.

Mr. Prescott, House Bills Nos. 6 and 328.

Mr. Patterson of Travis, House Bill No. 2.

Mr. Bradford, House Bill No. 82.

MOTION TO RE-REFER HOUSE JOINT RESOLUTION NO. 6

Mr. Amos moved that House Joint Resolution No. 6 be withdrawn from the Committee on Constitutional Amendments and referred to the Committee on Labor.

Mr. James moved to table the motion to re-refer the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—100

Adkins	Fuchs
Alsup	Gibson
Baker	Graves
Beckworth	Hamilton
Bell	Hankamer
Blankenship	Hanna
Boethel	Harbin
Bond	Hardin
Bradbury	Harrell
Bridgers	Harris of Archer
Burton	Harris of Dallas
Callan	Harris of Dickens
Carssow	Hartzog
Celaya	Herzik
Cleveland	Hoskins
Colquitt	Howard
Davis of Jasper	Huddleston
Davison of Fisher	Hull
Dean	Jackson
Deglandon	James
Derden	Johnson
Dickison	of Tarrant
Dollins	Jones of Angelina
England	Jones of Atascosa
Felty	Keith
Fox	Kenyon

Kern	Reed of Bowie
Langdon	Reed of Dallas
Lankford	Rhodes
Little	Riddle
Mann	Russell
Mays	Schuenemann
McCracken	Sewell
McDonald	Sharpe
McFarland	Shell
McKinney	Simpson
Metcalf	Skaggs
Moffett	Smith of Hopkins
Monkhouse	Smith
Morris	of Matagorda
Morse	Stevenson
Newton	Stinson
Oliver	Stocks
Palmer	Talbert
Patterson of Mills	Tennant
Patterson	Tennyson
of Travis	Thornton
Petsch	Waggoner
Pope	Weldon
Prescott	Westbrook
Quinn	Wood
Reader	

Nays—18

Amos	McConnell
Bradford	Powell
Farmer	Ragsdale
Holland	Roark
Hyder	Ross
Jones of Wise	Rutta
Kelt	Settle
King	Tarwater
Lucas	Thornberry

Absent

Alexander	Knetsch
Bates	Lanning
Brown	Leath
Cathey	Leonard
Davisson	London
of Eastland	Mauritz
Fielden	McKee
Heflin	Nicholson
Johnson of Ellis	Walker
Jones of Falls	Winfrey
Keefe	Worley

Absent—Excused

Boyer	Leyendecker
Broadfoot	Loggins
Cagle	Smith of Tarrant
Davis of Haskell	Vale
Harper	

EXTENDING CONGRATULATIONS TO COL. IKE ASHBURN

Mr. Mauritz offered the following resolution:

Whereas, For many years the economic and material advancement of

Texas has been impeded through lack of proper means of publicizing the wealth of natural resources and commercial opportunities to Texas citizens and residents in other parts of the Nation; and

Whereas, The House of the Legislature of the State of Texas recognizes the importance of calling the attention of the outside world to the matchless advantages offered in the great Southwest to the end that Texas will continue to grow and expand; and

Whereas, The proper promotion of a sound system of state highways is essential to the social and economic welfare of the State and is vital to the State's progress; and

Whereas, Texas should and could become one of the leading states in the field of attracting tourist traffic due to its natural climatic and other advantages, including its position as the gateway to Mexico via the Pan-American Highway, through proper presentation to the outside world; and

Whereas, Safety on the highways of Texas is becoming increasingly important and efforts along this line should be adequately publicized; and

Whereas, Under the leadership of Col. Ike Ashburn there is being published a monthly magazine, "Texas Parade", devoted to presenting information concerning Texas, to a stimulation of highway travel, with due regard to the safety of human lives and property, and to publicizing its natural resources of oil, timber, land, ports, cities and ranching and agricultural opportunities; and

Whereas, The information given in this publication has proven of great value in educating citizens of this State as well as those of other commonwealths; now, therefore, be it

Resolved by the House of the State of Texas, That it extend its hearty congratulations to Col. Ike Ashburn and his associates in this enterprise and wish them continued success in this important work.

MAURITZ,
ALEXANDER,
PETSCH,
HOSKINS,
McKEE,
BRADBURY,
HYDER.

The resolution was read second time, and was adopted.

RELATIVE TO THE CONSIDERATION OF REVENUE BILLS

Mr. McCracken offered the following resolution:

Whereas, Great confusion exists as to the State Government's financial requirements for the next biennial period, as evidenced by a variety of estimates, one to the effect that a deficit in the general revenue of \$24,000,000 is probably two years hence, another, suggested by the Governor that \$13,000,000 is needed in new revenues for the next two years, while others place the amount at \$5,000,000 and some who say no more taxes whatever are necessary should the Legislature economize; and

Whereas, Caution must be exercised so as to inflict no heavier tax burdens than are actually necessary for conduct of government, especially since it is not known at this time what the appropriations will be, whether old age assistance will continue on the present basis or be liberalized, whether the Legislature will attempt to force the collection of some \$173,000,000 worth of delinquent taxes now due, whether Texas business interest can stand additional increases, and if so to what extent this can be done, since at the last Special Session of the Legislature nearly all of them accepted increases; and

Whereas, Until the Legislature has more definite information as to needs, results and appropriations chaos might easily result, either by levying by far too heavy taxes, or by failure to enact sufficient; and

Whereas, The Comptroller in his report shows that the State Government collected a total of \$127,000,000 last year in all taxes and fees, a great increase over the preceding year and the largest tax collection in Texas' history, while the Board of Control in a survey just completed shows that 15 new functions and departments of government were added by the Forty-fourth Legislature; and

Whereas, There is a strong and emphatic movement all over the State at this time asking for a tax holiday so that commercial recovery in this State may be accomplished, as a result of which there will be increased payrolls, increased investments and increased revenues for the Government; now, therefore, be it

Resolved, That in order to avoid costly errors and satisfy all factions

and groups the House shall not consider on the floor any new revenue-making bills until the financial requirements for the next two years are made known to the House, in which event there will be abundant time to pass any tax bills necessary, for a hastily adopted tax program, minus any study of needs, is certain to reflect discredit upon the Legislature all over the State. There is danger in having too little, there is danger in having too much additional taxes.

McCRACKEN,
HARTZOG.

The resolution was read second time, and was referred, by the Speaker, to the Committee on Rules.

RELATIVE TO CERTAIN RECOM-
MENDATION BY PRESIDENT
FRANKLIN DELANO
ROOSEVELT

Mr. Smith of Tarrant offered the following resolution:

Whereas, The President of the United States of America in carrying out a program of progressive legislation has guided this country through the most trying period of its history; and

Whereas, Through the leadership of the President this nation, despite many temporary set-backs, has emerged from that dark period of depression and is progressing slowly along the path to ultimate recovery; and

Whereas, The Supreme Court of the United States by repeated four to five decisions has delayed and seriously impaired a program that the people of this nation have endorsed by an overwhelming vote of confidence; and

Whereas, The President has recommended to the Congress of the United States that the Membership of the Supreme Court be increased so as to include men of more progressive thought so that the voters of this nation might find in the personnel of that august body men whose thought reflects the attitude of the people of this nation; now, therefore, be it

Resolved by the House of Representatives, That Franklin Delano Roosevelt, President of the United States of America, be commended on his action in recommending to the Federal Congress that the Membership of the Supreme Court be increased; be it further

Resolved, That a copy of this resolution be forwarded to the President of the United States, and a copy be furnished to both the Speaker of the House of Representatives and the President of the Senate of the National Congress at Washington, D. C.

SMITH of Tarrant,
RUTTA.

The resolution was read second time.

Mr. Harris of Dallas moved that the resolution be referred to the Committee on Judiciary.

Mr. Rutta moved to table the motion to refer the resolution.

The motion to table was lost.

Mr. Leonard moved to table the resolution.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—93

Adkins	James
Alexander	Johnson
Baker	of Tarrant
Bates	Jones of Angelina
Beckworth	Jones of Atascosa
Blankenship	Jones of Falls
Boethel	Keith
Bond	Kelt
Bradford	Kenyon
Bridgers	Kern
Burton	King
Callan	Knetsch
Carssow	Lankford
Celaya	Leonard
Cleveland	Little
Colquitt	London
Davis of Jasper	McCracken
Dean	McDonald
Derden	McFarland
Dollins	McKee
England	McKinney
Fielden	Metcalfe
Fuchs	Moffett
Gibson	Monkhouse
Graves	Morris
Hamilton	Morse
Hankamer	Newton
Hanna	Oliver
Harbin	Patterson of Mills
Hardin	Patterson
Harrell	of Travis
Harris of Dallas	Petsch
Hartzog	Pope
Hoskins	Quinn
Howard	Ragsdale
Huddleston	Reed of Bowie
Hull	Rhodes
Jackson	Riddle

Russell	Stocks
Schuenemann	Talbert
Sharpe	Tennant
Shell	Thornberry
Skaggs	Thornton
Smith of Hopkins	Waggoner
Smith	Walker
of Matagorda	Weldon
Stevenson	Westbrook
Stinson	Wood

Nays—29

Amos	Jones of Wise
Bell	Keefe
Bradbury	Langdon
Davison of Fisher	Lucas
Davison	Mann
of Eastland	Mauritz
Deglandon	McConnell
Dickison	Powell
Farmer	Reader
Harris of Archer	Roark
Harris of Dickens	Ross
Herzik	Rutta
Holland	Settle
Hyder	Simpson
Johnson of Ellis	Worley

Present—Not Voting

Reed of Dallas

Absent

Alsup	Mays
Brown	Nicholson
Cathey	Palmer
Felty	Prescott
Fox	Sewell
Heflin	Tarwater
Lanning	Tennyson
Leath	Winfree

Absent—Excused

Boyer	Leyendecker
Broadfoot	Loggins
Cagle	Smith of Tarrant
Davis of Haskell	Vale
Harper	

Mr. McConnell raised a point of order, on further consideration of resolutions, on the ground that the time allotted for the consideration of resolutions has expired.

The Speaker sustained the point of order.

RELATIVE TO THE LEVY OF CERTAIN TAXES IN THE STATE OF ILLINOIS

Mr. Little moved that the House Rule, relative to the time allotted for the consideration of resolutions, be

suspended, at this time, for the purpose of considering certain resolution.

The motion prevailed.

The Speaker then laid before the House, for consideration at this time, the following resolution:

Whereas, This body has been advised that certain bills have been introduced in the Legislature of the State of Illinois being Senate Bill No. 30 and House Bill No. 65, the purpose of which bills is to levy a tax of five cents per one thousand cubic feet of natural gas distributed in that State, most if not all of which gas is transported from the Texas Gas Fields to the State of Illinois; and

Whereas, The levy and collection of these proposed taxes would result in the destruction of the business of those selling gas produced and transported from Texas to Illinois, the result of which would be to deprive hundreds of Texas citizens of their market for natural gas, and millions of citizens and many industries in Illinois of the enjoyment and conveniences of natural gas in their homes and business establishments; and

Whereas, The levy and collection of these taxes would result in placing a practically complete boycott against the sale of Texas gas in the State of Illinois, which would create strong feeling among citizens of Texas, and which probably would cause retaliatory steps to be taken against the sale of sizeable amounts of products produced in Illinois, among which are meats and farm machinery for which Texas has long been a very extensive market, and thus result in a most undesirable situation from the standpoint of each of the States of Texas and Illinois; now, therefore, be it

Resolved by the House of Representatives of the State of Texas, That the Legislature of the great State of Illinois be respectfully advised, and their attention be called to the serious result of the levy and collection of the taxes provided for in the bills hereinabove mentioned with the hope that it will refrain from the levy and collection of any of the proposed taxes, and thus permit the great States of Texas and Illinois to continue their cordial relations and enjoy their most satisfactory commercial relations which they have had in the past years; be it further

Resolved, That copies of this resolution be forwarded by the Chief Clerk of the House of Representatives of the

State of Texas respectively to the President of the Senate, the Speaker of the House, Chairman of the Senate Committee on Public Utilities, Chairman of the Senate Committee on Revenue, and the Chairman of the House Committee on Public Utilities and Transportation, Springfield, Illinois.

BOYER,
LITTLE,
WORLEY.

The resolution was read second time.

Mr. Keefe offered the following amendment to the resolution:

Amend the resolution by adding a new paragraph to read as follows:

"Whereas, There are numerous States levying gasoline taxes on gasoline produced in Texas; therefore the State of Texas hereby protests the levying of any gasoline tax on any Texas gasoline."

On motion of Mr. Patterson of Travis, the amendment was tabled.

Question recurring on the resolution, it was adopted.

ADOPTION OF MINORITY REPORT OF COMMITTEE ON PRIVILEGES, SUFFRAGE AND ELECTIONS

The Speaker laid before the House, for consideration at this time, as postponed business, the Reports of the Committee on Privileges, Suffrage and Elections, as regards the contest of election, heretofore filed by Hon. E. E. Hunter, against Hon. John K. Russell.

The majority reports and the minority reports having been submitted to the House on yesterday, and further consideration of same, postponed until today.

Mr. Thornton moved that the majority report be adopted.

Mr. Hankamer moved, as a substitute motion, that the minority report be adopted.

Mr. Thornton moved a call of the House for the purpose of maintaining a quorum until 12:00 o'clock m., today, and the call was duly ordered.

The roll of the House was called, and a quorum was announced present.

Question first recurring on the substitute motion by Mr. Hankamer, that the minority report be adopted, it prevailed.

Mr. Hankamer moved to reconsider the vote by which the minority report

was adopted, and to table the motion to reconsider.

The motion to table prevailed.

HOUSE BILL NO. 10 ON PASSAGE TO ENGROSSMENT

The Speaker laid before the House, as unfinished business, on its passage to engrossment,

H. B. No. 10, A bill to be entitled "An Act to fix the salaries of the judges of the various District Courts and of the Criminal District Courts of this State; repealing that portion of Section 1 of House Bill No. 417, Chapter 355, of the Acts of the Regular Session of the Forty-fourth Legislature which fixes the salaries of said judges, and declaring an emergency."

The bill having been read second time on last Friday.

(Mr. Knetsch in the Chair.)

Mr. Metcalfe offered the following amendment to the bill:

Amend House Bill No. 10, by striking out the words and figures "Six Thousand Dollars (\$6,000.00)" and substitute therefor the words and figures, "Four Thousand Eight Hundred Dollars (\$4,800.00)."

Mr. Alsop offered the following substitute for the amendment by Mr. Metcalfe:

Amend House Bill No. 10, Section 1, line 34, by striking out the words and figures "Six Thousand Dollars" and inserting in lieu thereof the words and figures "Five Thousand Dollars."

Mr. Howard moved to table the substitute amendment.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table was lost by the following vote:

Yeas—60

Adkins	Hankamer
Baker	Harrell
Bates	Harris of Dallas
Blankenship	Hartzog
Bradford	Holland
Burton	Howard
Carssow	Huddleston
Celaya	Hull
Colquitt	Hyder
Davis of Jasper	Jackson
Dickison	Johnson of Ellis
Dollins	Johnson
Fox	of Tarrant

Jones of Angelina	Pope
Keith	Prescott
Kenyon	Reader
Leonard	Reed of Dallas
Little	Riddle
Mann	Roark
Mays	Ross
McConnell	Rutta
McDonald	Schuenemann
McFarland	Settle
McKee	Skaggs
McKinney	Smith of Hopkins
Moffett	Smith
Monkhouse	of Matagorda
Morse	Talbert
Newton	Thornberry
Nicholson	Thornton
Patterson	Winfree
of Travis	

Nays—66

Alexander	Langdon
Alsup	Lankford
Amos	Lanning
Beckworth	Leath
Bell	London
Boethel	Lucas
Bond	Metcalfe
Bradbury	Morris
Bridgers	Oliver
Callan	Palmer
Cathey	Petsch
Cleveland	Powell
Davisson	Quinn
of Eastland	Ragsdale
Deglandon	Reed of Bowie
Derden	Rhodes
England	Russell
Farmer	Sewell
Felty	Sharpe
Fielden	Shell
Fuchs	Simpson
Gibson	Stevenson
Graves	Stinson
Hamilton	Stocks
Hanna	Tarwater
Harbin	Tennant
Hardin	Tennyson
Harris of Archer	Waggoner
Herzik	Walker
James	Weldon
Jones of Wise	Westbrook
Kelt	Wood
Kern	Worley
King	

Present—Not Voting

Knetsch

Absent

Brown	Jones of Falls
Davison of Fisher	Jones of Atascosa
Dean	Keefe
Harris of Dickens	Mauritz
Heflin	McCracken
Hoskins	Patterson of Mills

Absent—Excused

Boyer	Leyendecker
Broadfoot	Loggins
Cagle	Smith of Tarrant
Davis of Haskell	Vale
Harper	

PAIRED

Mr. Hankamer (present), who would vote "yea," with Mr. Brown (absent), who would vote "nay."

Mr. Petsch moved that House Bill No. 10 be laid on the table subject to call.

Mr. Howard moved to table the motion to lay House Bill No. 10 on the table subject to call.

The motion to table prevailed.

Question recurring on the substitute amendment by Mr. Alsup, it was adopted.

Mr. Alsup moved to reconsider the vote by which the substitute amendment was adopted, and to table the motion to reconsider.

The motion to table prevailed.

Question—Shall the amendment, as substituted, be adopted?

MESSAGE FROM THE GOVERNOR

The Chair laid before the House, and had read the following message from the Governor:

Austin, Texas, February 9, 1937.

To the Members of the Forty-fifth Legislature:

1.

Your attention is again respectfully directed to the fact that the State Board of Control has made recommendations for increases in the various departments. I am also informed that a number of bills for salary increases are now pending; and I respectfully remind you that in my initial message to the Legislature I expressly stated that I did not join in these recommendations, other than for additional facilities for our insane asylums and eleemosynary institutions. At that time I urged upon you the necessity for the passage of tax bills to raise revenue for the purpose of:

A. Completely financing the present old age assistance program to August 31, 1937.

B. Financing old age assistance for the next biennium, the sum of \$1,600,000.00 each year.

C. Outlays to finance the other features of the social security law,

such as aid to the blind, dependent children, etc.

D. Making income equal outgo from general revenue and wiping out the deficit in such fund.

I repeat these recommendations, and the statement that I will not approve salary or other increases until and unless the Legislature provides additional taxes to pay same. We need to raise money to pay our present obligations before incurring new debts.

In order to eliminate any question as to hearings held, or to be held, and to facilitate the passage of these measures, I hereby submit to you the subject of revenue and taxation, particularly urging early passage of bills to substantially increase the tax on natural resources, franchise taxes and the other tax measures recommended in my initial message. The groups sponsoring salary and other increases should certainly join with us in speedily raising revenue necessary to pay such increases.

2.

In order to assure as certainly as possible that repeal of the race track gambling law will be voted upon at this session, to facilitate hearings and to place the subject on the calendar, I also submit to you for emergency action my previous recommendation for the outright repeal of such law.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

ADJOURNMENT

Mr. Quinn moved that the House recess to 2:00 o'clock p. m., today.

Mr. Metcalfe moved that the House adjourn until 10:00 o'clock a. m., tomorrow.

Question first recurring on the motion by Mr. Metcalfe, it prevailed, and the House, accordingly, at 12:00 o'clock m., adjourned until 10:00 o'clock a. m., tomorrow.

APPENDIX

STANDING COMMITTEE REPORTS

The following committees have filed favorable reports on bills and resolution, as follows:

Appropriations: House Bill No. 169.

Criminal Jurisprudence: House Bills Nos. 121 and 108.

Highways and Motor Traffic: House Bills Nos. 67 and 459.

Judiciary: House Bills Nos. 364, 103, 326 and 385.

Liquor Traffic: House Bill No. 267.

State Affairs: House Bills Nos. 48, 158 and 437; House Concurrent Resolution No. 22.

The Committee on Criminal Jurisprudence filed an adverse with a minority favorable report on House Bill No. 13.

The Committee on Criminal Jurisprudence filed an adverse report on House Bill No. 138.

REPORTS OF THE COMMITTEE ON ENGROSSED BILLS

Austin, Texas, February 8, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 150, A bill to be entitled "An Act authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to lease for oil and/or gas and/or sulphur and/or other mineral development all lands under its control; authorizing the Board of Directors of the Agricultural and Mechanical College of Texas to invest funds accruing from the lease or sale of oil and/or gas and/or sulphur and/or other minerals; prescribing the mode and manner of said oil and/or gas and/or sulphur and/or other mineral leases on said land; providing for setting up any funds accruing as a permanent fund and appropriating the income therefrom; providing certain restrictions therein; making an appropriation to defray the expenses of said Board in executing the provisions of this Act, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,

Austin, Texas, February 8, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 280, A bill to be entitled "An Act authorizing, empowering and

directing the board of county and district road indebtedness created by Chapter 13, Articles 6674Q-1 et seq., Acts of the Third Called Session of the Forty-second Legislature, to make allowance to Henderson County, Texas, as a credit upon its outstanding road indebtedness of the amount of \$60,669.56 and to increase the state aid effective as of January 1st, 1933, to Henderson County, Texas, to make payment of such allowance, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

Committee Room,
Austin, Texas, February 8, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Engrossed Bills, to whom was referred

H. B. No. 293, A bill to be entitled "An Act to amend Article 3875 (5898), Title 60, Revised Civil Statutes of the State of Texas, 1925, to provide for the use of funds collected under this title for research and research facilities relating to the administration of the Feeding Stuff Law and for other purposes, and declaring an emergency."

Has carefully compared same and finds it correctly engrossed.

BRIDGERS, Chairman.

REPORTS OF THE COMMITTEE ON ENROLLED BILLS

Committee Room,
Austin, Texas, February 8, 1937.
Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 26, Providing for a Joint Session of the Legislature to celebrate the 101st anniversary of the signing of the Texas Declaration of Independence.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Committee Room,
Austin, Texas, February 8, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 28, Granting T. O. Davis permission to be absent from the State.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

Committee Room,
Austin, Texas, February 8, 1937.

Hon. R. W. Calvert, Speaker of the House of Representatives.

Sir: Your Committee on Enrolled Bills, to whom was referred

H. C. R. No. 29, Expressing gratitude and appreciation to Mr. and Mrs. Lutch Stark of Orange, Texas, for a Fine Arts Collection given to the University of Texas.

Has carefully compared same and finds it correctly enrolled.

HERZIK, Chairman.

In Memory of
Hon. John T. Briscoe

Mr. Jones of Atascosa offered the following resolution:

Whereas, On January 30, 1937, the Grim Reaper called suddenly the spirit of John T. Briscoe of San Antonio, Bexar County, Texas, formerly of Devine, Medina County, Texas, from the walks of men; and

Whereas, The Honorable John T. Briscoe was an outstanding leader in civic, moral and political thought of Southwest Texas for a quarter of a century; and

Whereas, Honorable John T. Briscoe was twice distinguished in the Democratic Party by being elected a presidential elector; and

Whereas, Mr. Briscoe served in the Legislature of the State of Texas from 1907 to 1911, at which time he distinguished himself by taking a courageous stand on measures that affected the destiny of the people of that time; and

Whereas, His genial smile, personal charm, good manners and stately demeanor made him easily distinguishable in the company of his fellows; and

Whereas, All men in the legal profession, who came in contact with him, as well as people generally, were impelled to admire and respect him; and

Whereas, In the passing of Honorable John T. Briscoe, the community has lost a staunch citizen, an unquestioned Democrat, a scholarly gentleman and a true patriot. The legal profession has lost a worthy and honorable practitioner, his family a kind, generous and considerate husband and father; therefore, be it

Resolved, That the House of Representatives of the State of Texas extend its sympathy and condolence to the bereaved family and friends of this distinguished gentleman; and, be it further

Resolved, That when the House adjourns today, it do so in memory and appreciation of the service of the deceased, that a copy of this resolution be spread upon the Journal of the House, and that a copy under the seal of the Chief Clerk be mailed to his wife, Mrs. Hattie Briscoe, 835 West Magnolia Avenue, San Antonio, Texas.

JONES of Atascosa,
CARSSOW,
McCRACKEN,
FELTY,
MONKHOUSE,
DICKISON,
READER.

The resolution was read second time, and was unanimously adopted.